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EXAMINER

BATURAY, ALICIA

ART UNIT

PAPER NUMBER

2155

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/040,474	Applicant(s) YASHCHIN ET AL.	
	Examiner Alicia Baturay	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,12-15,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,12-15,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), which was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 March 2006 has been entered.
2. Claims 1 and 8 were amended.
3. Claims 2, 9-11, 16 and 17 were cancelled.
4. Claims 1, 3-8, 12-15, 18 and 19 are pending in this Office Action.

Response to Amendment

5. The rejection of claims 1 and 8 under 35 U.S.C. § 112, 2nd paragraph regarding indefiniteness remains outstanding.
6. The rejection of claim 10 under 35 U.S.C. § 112, 2nd paragraph regarding indefiniteness is moot due to cancellation of aforementioned claim.
7. Applicant's amendments and arguments with respect to claims 1, 3-8, 12-15, 18 and 19 filed on 7 March 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Objections

8. Claims 3 and 4 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claim 1, lines 11-12 disclose all of the limitations found in claims 3 and 4.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
10. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant states the topic separator is responsive to the time synchronizer to determine topical relationships between messages following the limitation that an automatic topic separator separates messages according to different topics, where the separation occurs according to words used in the messages. It is unclear, as stated in the claim language, why the topic separator considers time stamping when determining topic. It is noted that the features upon which applicant relies (i.e., messages that appear mildly related in terms of topic would not generally be considered related in terms of topic if they are separated by large amounts of time, as cited by applicant and found at the bottom of page 6 of the in the specification) are not recited in the claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3-5, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen et al. (US 6393,460) and further in view of Cragun (U.S. 6,557,027).

Gruen teaches the invention substantially as claimed including a method for informing a user of topics of discussion in a chat between two or more people is described. The method includes the steps of identifying elements from the chat having similar content, labeling some or all of the identified elements as topics, and presenting the topics to the user. Identifying elements from the chat having similar content includes decomposing the chat into utterances made by the people involved in the chat and clustering the utterances using document clustering techniques on each utterance to identify elements in the utterances having similar content (see Abstract).

13. With respect to claim 1, Gruen teaches a messaging system comprising:

An interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17); a time synchronizer for time stamping messages (Gruen, col. 4, lines 48-52); an automated topic separator receiving user messages (Gruen, col. 4, lines 18-30) and separating messages according to different topics (Gruen, col. 3, lines 44-48), where the automated topic separator separates messages or parts of messages according to words used in the messages (Gruen, col. 5, lines 18-23) and which considers time stamping (Gruen, col. 4, lines 48-52); and a user interface, coupled to the topic separator, for representing in a distinct way parts of messages that were separated by the topic separator (Gruen, Fig. 1, element 20; col. 6, lines 50-67), where the user interface displays messages in windows according to topic (Gruen, Fig. 1, element 20; col. 6, lines 50-67).

Gruen does not explicitly teach separation of topic by color or the use of multiple messaging sessions.

However, Cragun teaches the messaging system where the user interface displays messages in different colors according to topic (Cragun, col. 5, lines 6-10) and the user interface enables a subgroup of users to conduct a messaging session separate from other users (Cragun, col. 3, lines 51-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the separation of topic by color and the use of multiple messaging sessions. One would be motivated to do so in order

to clearly differentiate messages according to sub-topic and to allow discussions of topics that are only relevant to certain groups of participants.

14. With respect to claim 3, Gruen teaches the invention described in claim 1, including the messaging system where the user interface displays messages in windows according to topic (Gruen, Fig. 1, element 20; col. 6, lines 50-67).

15. With respect to claim 4, Gruen teaches the invention described in claim 1, including a messaging system comprising a user interface, coupled to the topic separator, for representing in a distinct way parts of messages that were separated by the topic separator (Gruen, Fig. 1, element 20; col. 6, lines 50-67).

Gruen does not explicitly teach separation of topic by color.

However, Cragun teaches the messaging system where the user interface displays messages in different colors according to topic (Cragun, col. 5, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the separation of topic by color. One would be motivated to do so in order to clearly differentiate messages according to sub-topic.

16. With respect to claim 5, Gruen teaches the invention described in claim 1, including a messaging system comprising an interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17).

Gruen does not explicitly teach the use of authentication.

However, Cragun teaches the messaging system further comprising a security system to verify a user's identity (Cragun, col. 4, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of authentication. One would be motivated to do so in order to restrict usage of the messaging system to only those authorized to use it.

17. With respect to claim 8, Gruen teaches a method of conducting a messaging session at a user's computer between two or more users over a network comprising the steps of:

Receiving a message over the network from a user (Gruen, col. 4, lines 11-17); automatically identifying a topic of the received message (Gruen, col. 4, lines 18-30) based on words used in the message (Gruen, col. 5, lines 18-23) and considering a time when the message is received (Gruen, col. 4, lines 48-52); determining if a topic of the message is the same as a previous message, has changed from the previous message to a previous topic, or is a new topic (Gruen, col. 7, lines 5-9); and automatically if a new topic, opening a new window to display the received message, if a same topic as the previous message, displaying the message in a currently opened window, and if a changed topic displaying the received message in a previously opened window (Gruen, Fig. 1, element 20; col. 6, lines 50-67).

Gruen does not explicitly teach the use of multiple messaging sessions.

However, Cragun teaches the method of conducting a messaging session where a subgroup of users comprising at least two users conducts a messaging session separately from other users (Cragun, col. 3, lines 51-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of multiple messaging sessions. One would be motivated to do so in order to allow discussions of topics that are only relevant to certain groups of participants.

18. With respect to claim 12, Gruen teaches the invention described in claim 8, including a method of conducting a messaging session at a user's computer between two or more users over a network comprising the step of receiving a message over the network from a user (Gruen, col. 4, lines 11-17).

Gruen does not explicitly teach the use of authentication.

However, Cragun teaches the method of conducting a messaging session further comprising the step of checking a user's identity (Cragun, col. 4, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of authentication. One would be motivated to do so in order to restrict usage of the messaging system to only those authorized to use it.

19. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen in view of Cragun and further in view of Fredell et al. (U.S. 2001/0028364).

20. With respect to claim 6, Gruen teaches the invention described in claim 5, including a messaging system comprising an interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17).

Gruen does not explicitly teach the use of authentication.

However, Cragun teaches the messaging system further comprising a security system to verify a user's identity (Cragun, col. 4, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of authentication. One would be motivated to do so in order to restrict usage of the messaging system to only those authorized to use it.

The combination of Gruen and Cragun does not explicitly teach validation of users by other users.

However, Fredell teaches where the security system includes a database of questions from which random questions are posed to a user and where verification of validity of answers to posed questions is done by users of the system (Fredell, page 7, paragraph 89).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gruen and Cragun in view of Fredell in order to enable validation of users by other users. One would be motivated to do so in order to allow persons to communicate securely and add and drop persons from the session when necessary.

21. Claims 7, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen in view of Cragun and further in view of Maes et al. (U.S. 6,016,476).

22. With respect to claim 7, Gruen teaches the invention described in claim 5, including a messaging system comprising an interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17).

Gruen does not explicitly teach the use of authentication.

However, Cragun teaches the messaging system further comprising a security system to verify a user's identity (Cragun, col. 4, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of authentication. One would be motivated to do so in order to restrict usage of the messaging system to only those authorized to use it.

The combination of Gruen and Cragun does not explicitly teach the use of biometrics.

However, Maes teaches where the security system includes a biometric module for verification of a user's identity (Maes, col. 8, lines 52-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gruen and Cragun in view of Maes in order to enable the use of biometrics. One would be motivated to do so in order to add a level of verification that an unauthorized user could not duplicate.

23. With respect to claim 13, Gruen teaches the invention described in claim 12, including including a messaging system comprising an interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17).

Gruen does not explicitly teach the use of authentication.

However, Cragun teaches the messaging system further comprising a security system to verify a user's identity (Cragun, col. 4, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of authentication. One would be motivated to do so in order to restrict usage of the messaging system to only those authorized to use it.

The combination of Gruen and Cragun does not explicitly teach a security method in which a user is asked questions and the answers are evaluated.

However, Maes teaches the step of checking a user's identity comprises the steps of asking the user random questions (Maes, col. 8, lines 18-21) and evaluating the user's answers (Maes, col. 8, lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gruen and Cragun in view of Maes in order to facilitate the use of a security method in which a user is asked questions and the answers are evaluated. One would be motivated to do so in order to add a level of verification that an unauthorized user could not duplicate.

24. With respect to claim 15, Gruen teaches the invention described in claim 12, including a messaging system comprising an interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17).

Gruen does not explicitly teach the use of authentication.

However, Cragun teaches the messaging system further comprising a security system to verify a user's identity (Cragun, col. 4, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of authentication. One would be motivated to do so in order to restrict usage of the messaging system to only those authorized to use it.

The combination of Gruen and Cragun does not explicitly teach the use of biometrics.

However, Maes teaches the step of checking a user's identity is performed using biometrics (Maes, col. 8, lines 52-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gruen and Cragun in view of Maes in order to enable the use of biometrics. One would be motivated to do so in order to add a level of verification that an unauthorized user could not duplicate.

25. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen in view of Cragun and in view of Maes and further in view of Fredell.

26. With respect to claim 14, Gruen teaches the invention described in claim 13, including a messaging system comprising an interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17).

Gruen does not explicitly teach the use of authentication.

However, Cragun teaches the messaging system further comprising a security system to verify a user's identity (Cragun, col. 4, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the use of authentication. One would be motivated to do so in order to restrict usage of the messaging system to only those authorized to use it.

The combination of Gruen and Cragun does not explicitly teach a security method in which a user is asked questions and the answers are evaluated.

However, Maes teaches the step of checking a user's identity comprises the steps of asking the user random questions (Maes, col. 8, lines 18-21) and evaluating the user's answers (Maes, col. 8, lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gruen and Cragun in view of Maes in order to facilitate the use of a security method in which a user is asked questions and the answers are evaluated. One would be motivated to do so in order to add a level of verification that an unauthorized user could not duplicate.

The combination of Gruen, Cragun and Maes does not explicitly teach a security system in which another user verifies the answers.

However, Fredell teaches the method of conducting a messaging session where the step of evaluating the user's answers is performed by another user (Fredell, page 7, paragraph 89).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gruen, Cragun and Maes in view of Fredell in order to enable validation of users by other users. One would be motivated to do so in order to allow persons to communicate securely and add and drop persons from the session when necessary.

27. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen in view of Cragun and further in view of Kanevsky (U.S. 6,557,027).

28. With respect to claim 18, Gruen teaches the invention described in claim 1, including a messaging system comprising:

An interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17); a time synchronizer for time stamping messages (Gruen, col. 4, lines 48-52); an automated topic separator receiving user messages (Gruen, col. 4, lines 18-30) and separating messages according to different topics (Gruen, col. 3, lines 44-48), where the automated topic separator separates messages or parts of messages according to words used in the messages (Gruen, col. 5, lines 18-23) and which considers time stamping (Gruen, col. 4, lines 48-52); and a user interface, coupled to the topic separator, for representing in a distinct way parts of messages that were separated by the

topic separator (Gruen, Fig. 1, element 20; col. 6, lines 50-67), where the user interface displays messages in windows according to topic (Gruen, Fig. 1, element 20; col. 6, lines 50-67).

Gruen does not explicitly teach separation of topic by color or the use of multiple messaging sessions.

However, Cragun teaches the messaging system where the user interface displays messages in different colors according to topic (Cragun, col. 5, lines 6-10) and the user interface enables a subgroup of users to conduct a messaging session separate from other users (Cragun, col. 3, lines 51-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the separation of topic by color and the use of multiple messaging sessions. One would be motivated to do so in order to clearly differentiate messages according to sub-topic and to allow discussions of topics that are only relevant to certain groups of participants.

The combination of Gruen and Cragun does not explicitly teach a method of alerting the user to the inability of the topic separator to place a message in a particular topic.

However, Kanevsky teaches the messaging system where the automated topic separator is operable for indicating to the user when the topic of a message cannot be decided by the topic separator (Kanevsky, col. 2, line 64 – col. 3, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify combination of Gruen and Cragun in view of Kanevsky in order to alert the user to the inability of the topic separator to place a message in a particular topic. One

would be motivated to do so in order to facilitate automatic real time topic identification of textual data and to free the user from having to sort the messages as much as possible.

29. With respect to claim 19, Gruen teaches the invention described in claim 8, including Gruen teaches the invention described in claim 1, including a messaging system comprising:

An interactive system for production and interchange of messages by users over a network (Gruen, col. 4, lines 11-17); a time synchronizer for time stamping messages (Gruen, col. 4, lines 48-52); an automated topic separator receiving user messages (Gruen, col. 4, lines 18-30) and separating messages according to different topics (Gruen, col. 3, lines 44-48), where the automated topic separator separates messages or parts of messages according to words used in the messages (Gruen, col. 5, lines 18-23) and which considers time stamping (Gruen, col. 4, lines 48-52); and a user interface, coupled to the topic separator, for representing in a distinct way parts of messages that were separated by the topic separator (Gruen, Fig. 1, element 20; col. 6, lines 50-67), where the user interface displays messages in windows according to topic (Gruen, Fig. 1, element 20; col. 6, lines 50-67).

Gruen does not explicitly teach separation of topic by color or the use of multiple messaging sessions.

However, Cragun teaches the messaging system where the user interface displays messages in different colors according to topic (Cragun, col. 5, lines 6-10) and the user interface enables a subgroup of users to conduct a messaging session separate from other users (Cragun, col. 3, lines 51-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gruen in view of Cragun in order to enable the separation of topic by color and the use of multiple messaging sessions. One would be motivated to do so in order to clearly differentiate messages according to sub-topic and to allow discussions of topics that are only relevant to certain groups of participants.

The combination of Gruen and Cragun does not explicitly teach a method of alerting the user to the inability of the topic separator to place a message in a particular topic.

However, Kanevsky teaches the method of conducting a messaging session where the topic of the received message can not be decided, and further comprising the step of indicating to the user that the topic of the received message could not be decided (Kanevsky, col. 2, line 64 – col. 3, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify combination of Gruen and Cragun in view of Kanevsky in order to alert the user to the inability of the topic separator to place a message in a particular topic. One would be motivated to do so in order to facilitate automatic real time topic identification of textual data and to free the user from having to sort the messages as much as possible.

Response to Arguments

30. Applicant's arguments filed 7 March 2006 have been fully considered, but they are not persuasive for the reasons set forth below.

31. ***Applicant Argues:*** Applicant states "Such a multi-tier structure of the on-line discussion is original and it results in a compact transcript, where people will find the text, summarized by topics (depending on what they are allowed to see), and some windows/topics will not be accessible to them. With regard to Cragun (col. 3, lines 51-59, referred to by the Examiner), it should be understood what Cragun is talking about is an ability of any group of users to create a chat (on-line discussion) using their chat server program. But this is very different from creating a single multi-tier discussion involving sub-groups. Gruen and Fredell (and all other references of record) do not make up for this deficiency. That is, Gruen shows an automated system which employs clustering techniques, and does not show automatic separation into sub-groups; while Fredell is not related to an automated topic separation system (it is related to allowing collaborations to be conducted securely over a network) and therefore does not contemplate having subgroups of users viewing different messages."

In Response: The examiner respectfully submits that In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatic separation into subgroups of users viewing different messages) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”).

32. ***Applicant Argues:*** Applicant states “This structure of the system is original, and enables the users of the on-line discussion to enjoy the topic identification capabilities of an automated system, while at the same time maintaining the ability to correct and adjust the topical interpretation of the discussion by the system. Furthermore, such user interventions will have an impact on the topic identification algorithm, because it will greatly enhance its statistical power. In practice, the on-line part of the Gruen system (see top of Gruen, col. 7) is

probably impractical because in the initial phase of the on-line discussion there is simply not enough information to perform meaningful allocation of utterances by topics. Gruen ignores this issue and imposes a clustering algorithm that will allocate utterances by topics – but such an algorithm would likely be highly unreliable. In contrast, the approach of the present invention is based on users playing a strong role in ‘helping’ the automated topic allocation algorithm in the initial phases of discussion (or when new topics are being introduced at a high rate), while letting the discussion flow to be handled mostly automatically in the later phases, where topics are basically established. This is a fundamentally new idea that cannot be simply obtained by merging Gruen and Cragun: the concept of ambiguity (partially resolved topics) is missing from both of these approaches.”

In Response: The examiner respectfully submits that In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., users playing a strong role in ‘helping’ the automated topic allocation algorithm in the initial phases of discussion (or when new topics are being introduced at a high rate)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d

1947, 1950 (Fed. Cir. 2003) (claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”).

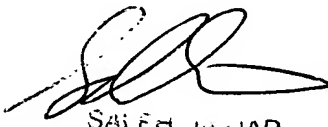
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
June 5, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER